

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MICHAEL JUAN GIBSON,	: CIVIL ACTION NO.
	: 1:16-CV-4510-TWT-JSA
Plaintiff,	:
	:
v.	:
	:
MEGAN J. BRENNAN, Postmaster	:
General, United States Postal Service,	:
Southern Area Agency,	:
	: FINAL REPORT AND
Defendant.	: <u>RECOMMENDATION</u>

The above-captioned action is before the Court on its previous Order [5] dated April 13, 2017 (“April 13 Order”), in which the undersigned noted that the Plaintiff had failed to effect proper service of the summons and complaint on the Defendant within the time period required by Rule 4(m) of the Federal Rules of Civil Procedure. April 13 Order [5] at 4. The undersigned advised Plaintiff of the procedure for effecting service under Rule 4(i), extended the time for Plaintiff to serve the Defendant until May 4, 2017, and ordered him to file proof of service with the Court by May 18, 2017. *Id.* at 5-6. If Plaintiff failed to file sufficient proof of service with the Court by May 18, 2017, he was ordered to show cause in writing by May 26, 2017, why this case should not be dismissed for failure of service of process pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. *Id.* at 6.

As of this date, those deadlines have passed and Plaintiff has not filed any response. Because Plaintiff failed to provide proof of timely service upon Defendant, and failed to comply with a lawful Order of the Court, the undersigned **RECOMMENDS** that this action be **DISMISSED** without prejudice for failure of service and want of prosecution. *See* FED.R.CIV.P. 4(m); *see also* FED.R.CIV.P. 41(b); LR 41.3A(2), NDGa.

As this is a Final Report and Recommendation, there is nothing further in this action pending before the undersigned. Accordingly, the Clerk is **DIRECTED** to terminate the reference of this matter to the undersigned.

IT IS SO RECOMMENDED this 31st day of May, 2017.



JUSTIN S. ANAND
UNITED STATES MAGISTRATE JUDGE